



OFFICE OF THE
BOARD OF APPEALS
TOWN OF DUNSTABLE
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Approved
5/22/13

Carter Hearing
May 2, 2013

Members Present: Leo Tometich, Chairperson
Ted Gaudette John Martin, Clerk
Lisa O'Connell, Member
Ted Gaudette, Member
Gerald Mead, Associate Member

Members Absent: Josh West, Member
Judy Thompson, Associate Member
Al Horton, Associate Member

Petitioners Present: Jeffrey Brown, Esq., Representation
Keith Carter for Brenda Carter, 61 Valley Street, Dunstable, MA

Abutters Present: Paul A. & Shirley A. Vlahos, 35 Valley Street, Dunstable, MA
Lorain Chellis, 67 Valley Street, Dunstable, MA
Jerry Gath, 48 Valley Street, Dunstable, MA
Brian Jones, 112 Re Gate, Tyngsboro, MA

Others Present: Ruth Lowder, Secretary
Heather Newman
Jerry Gath, Lowell, MA

Chairperson Leo Tometich called the meeting to order at 7:00 pm and read the posted hearing notice for the record and the certified parties in interest for the record. He asked the petitioner to present his case.

Jeffrey Brown presented the case for Brenda Carter. In 1972 Harry Allard purchased the land. In 1984 he obtained a Building Permit for a commercial building for his business Modern Continental. In 1990's he leased the building to Nolet Landscaping. Two months after the Nolet Landscaping lease expired he leased the building to Stephenson Landscaping. Jeffrey Brown showed the board the tax bills for the property. Brenda Carter will withdraw the application for the variance but still wants a special permit for use of the commercial building. The building has been used for commercial purposes for 30 years. Brenda Carter will agree to any restrictions the Board puts on the special permit.

Ted Gaudette stated that the building permit was for the building but Mr. Allard never made a request to run a business on the property. Operating a business on the property is very different from Mr. Allard's use of the building. Mr. Allard mostly used the building for storing his equipment. His equipment would go to a job site for weeks or months and be returned to the property to be stored until the equipment went to the next job site.

Leo Tometich asked if there were any other interested parties that would like to speak. No other interested parties attended the hearing.

Shirley Vlahos showed pictures of the property and stated that the mess was not good to look at.

Jerry Garth asked how the property can be used for commercial use when the property is in a R1 district.

Brian Jones asked if a special permit is issued how many trucks will be leaving the property at 6:30 AM and will there still be dumpsters with garbage overflowing on the property.

Chairman Leo Tometich called for a motion to determine the action to be taken in regard to Barbara Carter's appeal and application. Member Ted Gaudette made the motion that the Board deny the appeal and the Board issue an order to the proprietor to immediately cease and desist the operations of Stephenson Landscaping at the property. The motion was seconded and the roll was called.

-Leo Tometich	Affirmative
-Ted Gaudette	Affirmative
-Gerald Mead	Affirmative
-John Martin	Affirmative
-Lisa O'Connell	Affirmative

The members were then asked to state their votes for either a special permit or a variance and the roll was called.

-Leo Tometich	Negative
-Ted Gaudette	Negative
-Gerald Mead	Negative
-John Martin	Negative
-Lisa O'Connell	Negative

Leo Tometich motioned to close the hearing. John Martin seconded the motion and all were in favor. The hearing was closed at 8:00 pm.